

CHAPTER 21

MANAGED FOREST LAW CERTIFIED GROUP

BACKGROUND

The Wisconsin Managed Forest Law Certified Group is registered by third-party auditors and found to be in conformance with sustainable forest certification standards established by the American Tree Farm System® (ATFS) Group Certification and the Forest Stewardship Council (FSC) programs. The recognition allows MFL Group members to claim that timber harvested from their land is produced from well-managed forests meeting ATFS and FSC standards. Participation in the MFL Certified Group is entirely voluntary for woodland owners in MFL and separate from statutory MFL regulations. This chapter outlines the procedures used to manage the entry and departure of group members, maintain records, pay fees, monitor performance of group members, conduct internal and external audits, and administer other activities relative to certification standards.

Authority and Purpose

The Department created the MFL Certified Group under authority in ss. [23.11](#), [28.01](#), [28.07](#) and [28.11](#), Wis. Stats. Specific to MFL, the purpose clause in s. [77.80](#), Wis. Stats., vests authority in the DNR "to encourage the management of private forest lands for the production of future forest crops for commercial use through sound forestry practices, recognizing the objectives of individual property owners, compatible recreational uses, watershed protection, development of wildlife habitat and accessibility of private property to the public for recreational purposes."

DNR is committed to conform to ATFS and FSC principles, criteria and performance measures in the administration of the Managed Forest Law. MFL participants who elect not to depart from the MFL Certified Group also agree to conform to ATFS and FSC standards.

Development of the Managed Forest Law certified group will:

- Elevate private woodland owners' confidence in responsible forest management through third-party certification;
- Improve timber harvest quality on MFL lands through better monitoring;
- Strengthen the MFL's effectiveness as a forestry public awareness and landowner education program;
- Recognize the sound forestry practiced by MFL participants by rewarding them with access to global markets demanding certified raw materials;
- Retain our vital Wisconsin forest industries and the thousands of jobs they represent by building a credible supply of certified raw materials; and
- Improve the Department's organizational management and consistency.

MFL Certification Standards

ATFS

The American Tree Farm System® (ATFS) was founded in 1941. It was envisioned as a method to educate and motivate private forest owners to sustainably manage their forests, to assure the United States Congress and the public that the forests are being renewed and managed responsibly.


DNR, University of Wisconsin Extension, forestry industry and other partners including the Wisconsin Tree Farm Committee have cooperated to promote sustainable management of small private forest holdings since the early 1950's. Up to 2004, those efforts recognized about 3,600 traditional Tree Farms covering approximately one million acres. That number increased ten-fold with the creation of the MFL Group in 2005. Tree Farm educational programs, including field tours, conferences, publications and the selection of an annual Outstanding Tree Farmer of the Year, will extend sustainable forestry outreach to this broad audience.

In 2000, the American Tree Farm Program (administered by the American Forest Foundation -AFF) has developed rigorous group certification standards in response to a growing global demand for certified forest products. An Independent Standards Review Panel representing a cross-section of forestry community leaders refined the Tree Farm Standards and Performance Measures. The review also considered whether the proposed modifications were adequate and appropriate for small-scale family forest owners and other qualified participants in the United States.

A full MFL review under the 2004-2008 AFF Standards for Sustainability was contracted from NSF-International Strategic Registrations, an independent audit firm and Tree Farm registrar. The field audit occurred in March 2005, resulting in a certificate awarded in June of that year. The initial five-year term expires in June of 2010. The program did not require annual surveillance audits, but that may change when AFF Standards of Sustainability are reviewed and updated in 2009.

FSC

An outgrowth of the 1992 Earth Summit in Rio de Janeiro, the Forest Stewardship Council was formed by a confederation of loggers, foresters, environmentalists, sociologists and others at the first FSC General Assembly in 1993. It was created to influence the practice of sustainable forestry worldwide through market demand. FSC sets forth principles, criteria, and indicators that span economic, social, and environmental concerns. The program is not designed specifically for small private forest owners, but FSC has guidance for “Small and Low Intensity Managed Forests” that apply to family woodlands like those in Wisconsin’s MFL Group. FSC forest management programs are used in over 57 countries around the world. The FSC’s international headquarters are located in Bonn, Germany. FSC-US is the national “chapter”, with its main office in Minneapolis, MN.

A full FSC audit of the MFL – Tree Farm Group was contracted with SmartWood, an FSC certifying body, in 2007. The field audit occurred in March 2008. The FSC registration was issued on  and runs until _____, provided that annual surveillance audits confirm ongoing conformance.

THE GROUP ORGANIZATION – ROLES AND RESPONSIBILITIES

DNR oversees all aspects of maintaining group certification. The DNR administration of the program includes the Division of Forestry, the supervisory hierarchy of the DNR regions, the DNR service foresters and technicians, and the cooperating foresters providing private landowner assistance. The Department determines eligibility and membership requirements of the group as outlined in this handbook.

Group Manager

The Division of Forestry Forest Tax Law Section Chief is designated as the group manager who administers the affairs of the MFL Certified Group. More broadly, the group manager may delegate authority to the DNR Sustainable Forest Certification Coordinator, other central office staff, regional staff and cooperating foresters. The group manager (including delegated roles):

- Maintains the records of the group organization.
- Processes applications for membership into the group organization.
- Conducts ongoing monitoring of conformance of group administration and members with the ATFS and FSC standards.
- Applies for certification on behalf of landowners in the MFL Certified Group and selects an accredited certification body to conduct the certification audit.
- Represents the group organization throughout the audit process.
- Maintains the ATFS and FSC group certificate on behalf of the group organization and controls the claims that the group organization can make.
- Is responsible for making sure that any public claims about the independent certification are accurate and truthful, and consistent with truth in advertising guidelines. (Use of the Tree Farm and FSC logos shall be in accordance with ATFS and FSC guidelines.)
- Is responsible for ensuring timely reporting and payment of fees to ATFS and FSC.

DNR Service Foresters

MFL Group services offered by DNR Foresters may include but are not limited to:

- Initial forest management guidance (woodland walk-throughs, clarification of objectives, program information, publications)
- MFL Stewardship Plans for initial order designation within the sideboards of s. [77.82\(3\)](#), Wis. Stats., and s. [NR 46.18](#), Wis. Adm. Code
- Review and approval of MFL plans prepared by MFL Independent Certified Plan Writers
- MFL plan revisions and approvals of plan revisions prepared by others
- Mandatory MFL plan implementation reminders and enforcement measures, when necessary
- Enforcement of public access open/closed provisions, and other program administration
- Natural Heritage Inventory, cultural and historic database checks
- Consultations with tribal representatives
- Timber harvest advice within the sideboards described in chapter 30 of the Private Forestry Handbook (2470.5)
- MFL Cutting Notice and Report review, approval and associated plan updates
- Forest tax law program guidance to group members and Cooperating Foresters
- Technical and administrative assistance for cost sharing programs
- Guidance on forest protection measures (fire, insects, invasive species and disease)
- Pesticide product prescriptions
- Tree and shrub planting plans and sources of materials
- Coordination of tree and shrub shipments from the state nursery and facilitation of county tree planting machine use
- Demonstrations to improve growth and value of immature forests
- Forestry education through conferences, school programs, public speaking and news releases.
- As time permits, timber sale marking assistance within the sideboards of NR 1.212, Wis. Adm. Code
- As workload permits, up to 24 hours (three working days) of service to a landowner per year
- Referrals to private cooperating foresters for more detailed services

Cooperating Foresters

Services offered by Consulting and Industrial Foresters may include but are not limited to:

- MFL forest management plans (if qualified as an MFL Independent Certified Plan Writer – ICPW)
- MFL practice implementation services
- Appraisals of land, timber, damage, and trespass or theft
- Arboriculture
- Christmas tree management
- Cost Basis determination
- Forest inventory and cruising
- Litigation and expert testimony
- Logging engineering
- Log scaling and grading
- Pest control
- Prescribed burning
- Recreation planning and development
- Road location, design and construction
- Specialty product marketing
- Surveying (if licensed) and boundary establishment
- Thinning and pruning services
- Timber Tax counseling
- Timber sales: preparation & administration
- Timber sales: solicit bids & prepare contracts
- Timber stand improvement
- Tree planting and site preparation
- Wildlife management

Note that MFL Group members are not required to hire Cooperating Foresters for any of these services other than ICPW planning assistance. Cooperators receive referrals from DNR under the program established in ch. NR 1.213, Wis. Adm. Code.

Group Members

The group members are the qualified MFL participants (owners of 10 to 2,470 total acres – or 1,000 hectares - with MFL forest stewardship plans) that collectively make up the MFL Group organization and meet the requirements of the ATFS and FSC standards. Group members that voluntarily choose to participate can include their lands in the group certificate and enjoy the benefits and privileges of being a certified group member. In addition to the property tax incentives and forestry planning assistance afforded by the MFL program, the primary group benefit includes the ability to market timber as ATFS and FSC certified under the group certificate.

Group members are encouraged to be actively involved in the Wisconsin Tree Farm Committee to promote sustainable forestry. They can assist the State Tree Farm Committee by providing training to other landowners, hosting tours on their property, contributing to newsletters and publications, and being involved in the ATFS and FSC group certification monitoring. A major advantage of group certification is the positive peer influence of other dedicated Tree Farmers and the sharing of practical forestry experiences and knowledge. Group members receive all of the same rights and benefits as individual Tree Farmers certified through the State Tree Farm Committee.

Specific group member duties include:

1. Petitioning for MFL designation
2. Agreeing to follow a DNR-approved forest management plan
3. Conforming to MFL statutes and regulations

4. Conforming to ATFS and FSC certification standards, including any measures that might go beyond those stipulated in MFL statutes or administrative rules or other state, federal or local laws. Some features that are emphasized in the ATFS or FSC standards include:
 - a. Allowing access for MFL Group forest certification field audits
 - b. Using pesticides (when needed) that are not prohibited by FSC
 - c. Not planting Genetically Modified Organisms (GMO)¹ in the forest
 - d. Keeping forest products harvested from MFL Group land separate from products harvested from non-MFL Group land during commercial harvest operations
 - e. Endeavoring to adhere to Wisconsin Forestry Best Management Practices
 - f. Striving to consider appropriate liability insurance and safety requirements in timber sales and other contracts
 - g. Using the ATFS and FSC logos in conformance with their trademark policies

GROUP ADMINISTRATION

Group Membership Fees

There are no certification fees assessed to MFL Certified Group members. Participation in the MFL Certified Group is free for qualified MFL landowners.

The DNR will pay all mandatory fees related to participation in the Tree Farm and FSC certification programs. Mandatory fees include:

- The cost of the third-party certification audits, including 5-year full reviews and annual surveillance audits
- AFF Tree Farm Group Certification application fees
- Annual ATFS Group Administrative Fee
- ATFS Education and Information Fee in the form of providing on-going landowner education programs administered by the Department.
- FSC Annual Administrative Fee
- FSC pesticide derogation fees if applicable and other miscellaneous expenses related to maintaining the certificates.

The Department does not provide the official American Tree Farm sign to MFL Certified Group members. The Department may, however, develop an approved MFL Certified Group sign in cooperation with the Wisconsin Tree Farm Committee that could be optionally ordered through independent vendors at the expense of group members. Use of the Tree Farm or FSC logo and the American Tree Farm System sign shall be consistent with ATFS and FSC guidelines. Subscription to the American Tree Farm Magazine and attendance at Tree Farm training conferences or meetings are also optional activities at the expense of individual group members.

The Department will offer forest management planning assistance and cost sharing programs within the framework of state laws and regulations. Additional forest management assistance from private consultants and the expenses to implement forest management activities prescribed in forestry plans are the responsibility of group members.

Landowner Entry and Departure from the Group Organization

General Eligibility

The MFL Certified Group option will be available on a voluntary basis to all MFL participants owning 10 to 2,470 acres (1,000 hectares) provided they have a parcel-specific MFL forest stewardship plan for the land. Land enrolled under a single MFL order may be either in or out of the MFL Certified Group, but not a mixture of the two. Participation in the MFL Certified Group includes dual ATFS and FSC certification, not one or the other. "MFL large ownerships," as defined in chapter [NR 46.18\(4\)](#), Wis. Adm. Code, with general management commitments are not eligible to join the MFL Certified

¹ GMO definition from Wikipedia: "A genetically modified organism (GMO) is an organism whose genetic material has been altered using genetic engineering techniques. These techniques are generally known as recombinant DNA technology. With this technology, DNA molecules from different sources are combined into one molecule to create a new set of genes. This DNA is then transferred into an organism and causes the organism to acquire modified or novel traits."

Group. Such large ownerships (generally companies with their own professional forestry staff) should seek forest certification through other programs.

Wisconsin statutes allow continued MFL designation for parcels of less than ten acres that remain after an authorized transfer. Such remainders of less than ten acres are not eligible to participate in the MFL Certified Group.

Certified Group Membership of 2009 and Earlier MFL Orders

MFL Certified Group membership for MFL participants with 2009 or prior orders of designation will be administered through a group departure request. Eligible MFL participants who do not return a MFL Certified Group Departure Request Form ([2450-191](#)) will be enrolled as MFL Certified Group members. Landowners who do not deactivate their group membership by returning the form agree to abide by Tree Farm and FSC standards and DNR policies described in the MFL handbook as long as the MFL program has valid certifications. Departing from MFL Group Certification would not jeopardize a landowner's ability to keep the land under the statutory MFL program. Any MFL participant who exercises the group departure option is free to join the MFL Certified Group at a later time by submitting an application for membership (Form [2450-192](#)), except that landowners who voluntarily depart from the MFL Group a second time are not allowed to reactivate their MFL Group membership. MFL Certified Group members will be informed of certification requirements on an on-going basis through individual mailings, newsletter articles, meetings, web alerts and other appropriate means. The group manager will track participation in the MFL Certified Group with the MFL master database.

Group Membership for New MFL Orders and Transferred Lands

New MFL applicants and people acquiring MFL land through transfers will be included in the MFL Certified Group, unless they submit a Group Departure Request Form ([2450-191](#)). Information explaining the certified group program will be provided to new applicants and transferees so they can make informed decisions. The MFL Transfer Form [2450-159](#) will include basic information about the MFL Group certification option.

Large-ownership industrial MFL tracts transferred to individual landowners will have site-specific management plans prepared by the Department as soon as practical, or the landowner may choose to submit a consultant-prepared (DNR certified plan writer) plan at their own expense. Transferees may use the group certificate numbers only after the Department approves a MFL stewardship management plan for the tract. DNR foresters will control use of MFL Certified Group certificate numbers through MFL Cutting Notice review and approval prior to timber harvests, thus preventing wood entering the chain of custody process without an approved plan.

Voluntary Departure from Group Membership and Reactivating Group Membership

MFL Order landowners may elect to depart from the MFL Certified Group at any time without prejudice to continued MFL eligibility by submitting an MFL Certified Group Departure Request (Form [2450-191](#)). Anyone voluntarily withdrawing from MFL shall be dropped from the certified group. Except as noted below, reactivation of MFL Certified Group membership will be allowed if the landowner has a Department approved forest management plan with no outstanding, major corrective action requests pending. A corrective action request (DNR's Notice of Investigation, as described in Chapter 60) would identify specific non-conformances with ATFS or FSC standards, the causes of the non-conformances, remedial practices and completion dates.

Note that the only occasion an MFL landowner would need to complete an MFL Certified Group Application (Form [2450-192](#)) is if they had previously departed from the certified group and desire to reactivate MFL Group membership. Otherwise, MFL Certified Group membership is automatic as explained on the MFL Forest Stewardship Management Plan and MFL Transfer Form. MFL landowners must explicitly complete an MFL Certified Group Departure Request Form if they choose to be excluded from the MFL Certified Group.

Deactivation from the MFL Certified Group

MFL Certified Group membership for an MFL Order may be deactivated under any of the following circumstances following appropriate procedures as outlined in Chapter 60 on Enforcement:

1. Voluntary withdrawal from MFL
2. Involuntary MFL declassification
3. MFL order expiration
4. Use of an FSC prohibited, highly hazardous pesticide
5. Planting FSC-prohibited Genetically Modified Organisms (GMOs) in a forest
6. Mixing forest products harvested from non-MFL Group land with MFL Group wood to falsely claim the non-MFL products under the MFL Chain of Custody certification.
7. Willful or blatant violations of Wisconsin Forestry Best Management Practices
8. Refusal to allow forest certification auditors or DNR staff onto the property for the purpose of conformance reviews.
9. Deliberate or repeated violations of federal, state or local laws and regulations applicable to forest management..
10. Inappropriate use of certification logos or trademarks
11. Deliberate or manifest nonconformance with other forest certification indicators

Enforcement and Dispute Resolution Process

All MFL enforcement issues shall be handled with procedures detailed in Chapter 60 of the Forest Tax Law Handbook. The Department's enforcement procedures will serve as the MFL Certified Group Correction Action Request Form and Corrective Action Plan.

The steps listed in Chapter 60 assure that the landowner is apprised of the MFL regulation or certification standard, core performance measure and indicator of concern, and given an opportunity to respond or correct the problem within a reasonable time period. Inspecting foresters should strive to resolve any disputes in a respectful and professional manner. Should resolution of a certification-specific issue with a group member prove elusive, the inspecting forester shall refer the matter through channels to the Forest Tax Law Section Chief - Group Manager. Team, area or regional forestry supervisors shall help resolve issues before passing a complaint up the line to the group manager. The process shall include documentation of the facts and certification standard or performance measures involved.

Should the regional forester be unable to bring closure to a certification-specific issue, the group manager will make a determination on deactivation of MFL Group membership for an MFL Order based on the facts of the case. For an appeal of the group manager's decision, the landowner must notify the DNR Bureau of Forest Management Director within 30 days of the letter of de-certification. Upon notification of appeal, the Bureau of Forest Management Director shall convene a Dispute Resolution Committee. The committee will be composed of three members, including another group member or forester agreed to by the landowner, a non-DNR member of the Wisconsin Tree Farm Committee and a qualified Tree Farm inspector chosen by the Department (excluding the forester who brought the complaint). The Dispute Resolution Committee will advise the Bureau of Forest Management Director, whose decision shall be final. All non-departmental costs associated with the dispute resolution committee shall be born by the group member making the appeal.

As an alternative to Department ordered deactivation of MFL Group membership, foresters may ask a group member to voluntarily depart from the MFL Certified Group. Department staff and group members should work in a positive and collaborative manner to address any findings of non-conformance and to correct any problems. The formal deactivation process should be used only as a last resort.

Information about Certification Standards

The Department will develop appropriate informational materials to help prospective members understand the various policies, procedures and rules of the group. The MFL petition packets, Forest Tax Law Newsletter and DNR website are examples of the material that will be made available. The AFF Standards of Sustainability and FSC standards will be accessible to the group members through the Department Internet site.

Interpretation of MFL and Certification Standards

The group administrators must interpret and appropriately apply certification standards in the context of the Managed Forest Law program and clearly explain the requirements to the group members. These considerations are addressed through the Forest Tax Law Handbook, ([2450.5](#)), the Private Forestry Handbook ([2470.5](#)), the Silviculture Handbook ([2431.5](#)), Wisconsin Forest Management Guidelines ([Pub FR-226-2003](#)) and certified Tree Farm inspector training.

Member Commitment to the Certified Group Standards

The MFL Stewardship Plan (Form [2450-132](#)) and MFL Transfer Form (Form [2450-159](#)) will include information that inclusion in the MFL Certified Group is automatic unless the landowner signs and returns an MFL Certified Group Departure Request (Form [2450-191](#)). The plan and transfer form will indicate that the landowner agrees to designation in the certified group, has a desire to manage the land consistent with ATFS and FSC standards, intends to comply with relevant laws, agrees to the group program dispute resolution process, and consents to allow access to the property for purposes of MFL and group member inspection. The information will also stipulate that the landowner may depart from the certified group at any time without affecting his or her MFL eligibility.

As noted previously, if a landowner submits a Group Departure Request (Form [2450-191](#)) for an MFL Order a second time, they are ineligible to reactivate MFL Group membership for that MFL Order again. ATFS and FSC certification requires that landowners demonstrate a commitment to abide by the certification standards, and so a second group departure will be taken as evidence of the absence of commitment.

Management Plan

Group members must have DNR-approved, parcel-specific MFL stewardship plans. The provisions for mandatory and non-mandatory (optional) practices that apply to general MFL orders also apply to plans that are prepared for members of the MFL Certified Group. MFL Forest Stewardship plans for group members may have additional recommended practices, depending upon the interests of the landowners. The written documentation that comprises the MFL forest management plan extends beyond parcel-specific plans provided to landowners. Additional plan components include the DNR Silviculture Handbook; Wisconsin Forest Management Guidelines; Ecological Landscapes Handbook; DNR Geographic Information System (GIS) software and geographic libraries; WisFIRS; NHI and cultural and historic databases; forest health publications; Best Management Practices for water quality, invasive species control or other focused issues; and other relevant publications. While individual landowners in the group might not have occasion to study these related documents, professional resource managers providing assistance to group members are expected to consider the broader documentation when parcel plans are written and implemented.

While parcel-specific plans are intended to address management issues that are needed during the entire term of the MFL agreement, the plans are also adaptive and subject to revision to reflect changing stand conditions or updated knowledge about what constitutes “sound forestry”. MFL plans are not fixed “contracts” since even the most carefully prepared plan can become outdated before the MFL term expires. Triggers that could prompt plan updates include:

1. MFL transfers, if the landowners’ objectives change
2. A change in the current landowner’s management objectives
3. Catastrophic events such as fires, wind storms, hail damage, drought and flooding
4. Unforeseen disturbances caused by introduced or invasive plants, animals or diseases that threaten forest regeneration, reduce stand stocking below acceptable levels, or otherwise adversely affect agreed upon stand objectives
5. Changes in forest product markets
6. New or recently discovered NHI or cultural/historic element occurrences, especially those protected by law
7. Advances in silviculture or ecosystem management sciences
8. Revised public policies as reflected in laws or administrative rules
9. Older plans for MFL Certified Group members that contain practices that are not in conformance with forest certification standards (such as a prescription to use an FSC prohibited pesticide)

The most common method to update an MFL Order's plan will be through Cutting Notice specifications that are developed at the time mandatory practices come due. MFL Order plans can be modified with detailed practice plans that are written to guide the implementation of other management practices in addition to harvests. General revisions can also be accomplished as needed. All plan changes by whatever method should be kept in the group member's file maintained in the local forestry office, with appropriate changes made in MFL digital databases.

A qualified Tree Farm inspector must approve MFL plans for land to be included in the certified group. The qualified inspector may be the forester preparing the MFL stewardship forestry plan or the DNR forester or area/regional reviewer approving the MFL plan.

MFL Group Roster

The Department will maintain digital records regarding group members in the MFL master file database. The group manager will ensure that any new group members are added to membership and mailing lists, receive appropriate information from the American Tree Farm System, and take care of any other administrative details.

The group manager will make ATFS and FSC certificate information available to MFL Group members via the Internet. A database of MFL Certified Group order numbers (plus the county, municipality, township, range, section, legal description and certification date for each order) will be posted on the Web so that any timber purchaser can verify harvests claiming use of the group certificate numbers. The online MFL Group roster shall be updated once a year by the end of February. Mailing lists including landowner names and complete addresses should not be distributed for purposes that are not directly related to MFL and MFL Certified Group administration or landowner education. (Although individual MFL owner names and addresses are public records, DNR is not obligated to create lists that might be abused for unwanted solicitations.)

The Department will provide certifying bodies with an annual group roster database by the end of February, including MFL Certified Group members added and deleted during the preceding year. Certifying bodies (such as FSC-SmartWood), Cooperating Foresters or other partners that require more frequent group member updates or real-time data will be given online access to the WisFIRS database when the system is launched. Until then, the Department will provide certifying bodies with group roster updates on demand as needed.

Training and Education

The group manager (through team, area and regional forestry supervisors) will evaluate training needs of the group organization and individual group members to ensure sufficient knowledge to implement and achieve the ATFS and FSC standards. That should include periodic assessment of the need for technical forestry training, including implementation of BMPs, silvicultural techniques appropriate to the area, relevant laws and regulations, tribal relationship, cultural and historic site preservation, identification of critical species and habitats, invasive species control, fish and wildlife management, etc.

The Department will work with the Wisconsin Tree Farm Committee, the Sustainable Forest Initiative State Implementation Committee, University Extension and other partners to conduct training regarding the ATFS and FSC standards, the group certification process, the audit process and possible audit findings, the corrective action process and other professional and landowner education.

Maintaining Group Records

All management guidance correspondence, enforcement documentation and related forms shall be retained by the local DNR forester in the group member's file.

The group manager is responsible for maintaining all group organization records and documents. The MFL Certified Group records include the following:

- Background information on the group organization
- A list of group members and their applications for membership
- Group organization monitoring reports
- Copies of audit findings and reports

- Group organization Corrective Action Request (CAR) forms
- Other relevant documents and records
- Departure notifications from group members

The group manager will receive the final ATFS and FSC audit reports from the certification body and communicate the findings to the group organization and group members. If a certification audit results in a Corrective Action Request, the group manager must coordinate with the group organization or individual group members to develop corrective action plans and work to ensure timely implementation.

The group manager is responsible for maintaining current and accurate records from the audit process. Some of the records that should be kept include:

- A list of group members that were part of the certification audit
- The total number of acres included within the scope of the audit
- A copy of the final report and any CARs issued by the certification body
- Copies of group organization Corrective Action Plans that are implemented to close out the CARs
- Evidence of monitoring the corrective action to ensure the same problem does not recur
- Notifications from group members of their departure from the group organization

MONITORING GROUP MEMBERS

General

Department foresters shall verify group members' conformance with the ATFS and FSC standards as part of inspections related to scheduled mandatory MFL forest stewardship practices. Foresters shall keep contact records — Management Recommendations Record (Form [2470-021](#)) and on the Private Land Accomplishment (CFM) Report Form, 2400-100E — for their visits to group member lands. If inconsistencies with MFL or certification standards are found, the foresters shall pursue MFL enforcement procedures as outlined in Chapter 60 of the Forest Tax Law Handbook or initiate corrective action request as explained in this chapter.

Team, area or regional supervisors *or* the field foresters completing inspections of group member lands must have completed the ATFS Tree Farm inspector training course.

The Department will use PlanTrac or WisFIRS notification letters, guidance letters, cost-sharing practice plans, cutting notice approval forms and related correspondence to document the monitoring process and to report appropriate findings to the individual group members. When non-conformance is identified during monitoring, the inspecting forester shall follow the procedures in Chapters 20 and 60 of the Forest Tax Law Handbook or other relevant directives and work with the group members to achieve compliance or take appropriate enforcement action. The Department forester must approve the corrective actions proposed for any non-conformance with MFL or certification standards. Implementation shall be monitored. MFL mandatory practice and corrective action guidance shall be tracked in a digital database (PlanTrac or WisFIRS) and reported on the CFM Report Form, 2400-100E. Notice of Investigation copies will be sent to the Forest Tax Law Section Chief.

Pesticide Use Monitoring

Pesticide prescriptions provided to MFL Group members shall conform to the “FSC Pesticides Policy: Guidance on Implementation - FSC-GUI-30-001 Version 2-0 EN”, dated May 5, 2007 or newer. A list of FSC “highly hazardous”, prohibited chemicals (some of which may be otherwise legal for use in Wisconsin) shall be made available on the DNR Internet.

As a general rule, MFL plans should strive to offer alternatives to chemical pesticides and minimize pesticide use whenever practical. MFL initial entry plans should not prescribe specific products or application rates, saving details consistent with product labels for practice plans. Practice plans shall prescribe² appropriate pesticides and/or non-chemical alternatives. Landowners should be directed to product labels or other published pesticide use instructions, or encouraged to hire a

² A prescription could include a product name and other information consistent with the product label.

commercial pesticide applicator³. Summary information regarding the acreage prescribed for treatment and the products recommended shall be included in the DNR Cooperative Forest Management report or other form.

In the event that a DNR forester becomes aware of the use of a prohibited FSC chemical (provided that a FSC-approved derogation allowing an exception is not on record), the landowner should be notified according to the procedures in Chapter 60 that they are out of conformance. Depending upon the degree of non-conformance, the forester can issue a Notice of Investigation and direct the landowner to stop using the prohibited product or request the Group Manager to deactivate the MFL order from the certified group.

Timber Harvest Monitoring

DNR foresters shall follow the private land timber sale instructions in Chapter 20 of this handbook and in Chapter 30 of the Private Forestry Handbook ([2470.5](#)).

To verify that private timber sales conform to MFL sound forestry⁴ and forest certification standards, DNR foresters are encouraged to consider the following:

1. Schedule visits to high-risk sites (see below) for field checks when sales are active. Lower-risk sites can be reviewed after the Cutting Report (Form [2450-032](#)) is filed.
2. The goals and objectives of the harvest are consistent with the MFL plan and approved Cutting Notice.
3. Boundaries of the harvest area are clearly marked.
4. The layout of skid trails and landings is reasonable.
5. Soil disturbance is not excessive.
6. Archeological or cultural resources are protected.
7. Forest health considerations are adequately addressed.
8. Precautions to control or prevent the spread of invasive species appear adequate.
9. Rare, threatened, endangered or special species are protected, including NHI element occurrences listed or observed on-site since the MFL plan was initially approved.
10. Reasonable safety precautions are followed.⁵
11. Significant conflicts with recreation or hunting activities on the tract are avoided.
12. Measures necessary to protect or promote natural regeneration are adequate.
13. Unique natural areas or High Conservation Values are protected.
14. Water Quality Best Management Practices are followed.
15. Wildlife management goals described in the management plan are addressed.
16. Stand-level retention of snags or other residual trees is adequate.
17. Woody biomass retention on the ground is sufficient.

If any problems are observed, report them to the landowner or the landowner's agent, not the logger. Let the owner take any necessary action.

DNR Service Foresters may ask landowners or their agents about private timber sale contract terms to verify MFL sound forestry compliance, but DNR foresters do not administer private contracts. DNR does not generally require or keep copies of private timber sale contracts since Department files do not protect confidential information that might be contained in the contracts.

³ A 2006 Wisconsin Department of Agriculture Trade and Consumer Protection (DATCP) decision found that DNR Service Foresters who make pesticide prescriptions but who do not oversee pesticide applications or apply restricted use pesticides themselves are not required to have a Commercial Pesticide Applicator Certificate. See the DATCP web site for more information.

⁴ See NR 46.02(17) and NR 1.25, Wisconsin Administrative Code for the definition of sound forestry and commonly accepted forest management practices.

⁵ Wisconsin statutes do not authorize DNR foresters to enforce or administer specific Occupational Safety & Health Administration (OSHA) regulations on private lands. DNR Service Foresters may, however, offer general safety information or observations about safety concerns.

Some examples of “high risk” timber harvest sites include:

1. No professional Cooperating Forester oversight or not sold to a Master Logger Certified producer
2. Fragile soils, easily compacted or eroded
3. Forest resources susceptible to damage
4. Water quality and watershed at risk
5. Seasonal access or waterway crossed
6. Harvest operation in RMZ or adjacent
7. Archeological or cultural resources present
8. Potential forest health issues
9. Invasive species present and mitigation planned
10. Rare, threatened, endangered or special species present

Regeneration Monitoring

Survival of afforestation projects and regeneration of harvested sites is paramount for sustainable forestry. Survival sampling methods for artificially-regenerated stands are described in Chapter 21-22 of the Silviculture Handbook ([2431.5](#)). Landowners, Cooperating Foresters, or DNR foresters are encouraged to conduct survival checks four to five months after planting and again three years after planting to ensure planting and seeding success (see Silviculture Handbook 2431.5, page 22-24).

Most stands are naturally-regenerated. Occasionally regeneration on these sites is in doubt, requiring follow-up by the forester. If adequate natural regeneration is not established by the end of the fourth growing season, an alternative regeneration method should be implemented (HB 2431.5, page 21-21). Regeneration success on these stands should be documented using the Management Recommendations Record (Form [2470-021](#)). In addition, completed treatments should be entered into the Wisconsin Forest Inventory and Reporting System (WisFIRS) for that stand.

WisFIRS provides an easy, consistent approach to regeneration monitoring for afforestation, artificial regeneration or natural regeneration projects. The WisFIRS methods are described in section 135-10 of the Public Forest Lands Handbook ([2460.5](#)). The same techniques can be applied to tracking regeneration on MFL land.

GROUP CHAIN OF CUSTODY

FSC and ATFS certification provide an opportunity to differentiate responsibly harvested wood in the marketplace. Certification may allow access to certain markets and, in some cases, provide price premiums. Ultimately, when finished goods are produced from raw materials that originate from certified lands, certification systems allow the use of on-product logos.

FSC has a specific on-product logo but ATFS does not. Instead, wood from ATFS certified land may carry on-product logos from the Sustainable Forestry Initiative (SFI) or the Program for the Endorsement of Forest Certification (PEFC), which have mutual recognition agreements with the American Forest Foundation’s ATFS. It is also common for business-to-business sales to demand wood sourced from certified lands without ever using an on-product claim.

Chain-of-Custody (CoC) assessments and documentation allow the tracking of a product through every step from the forest to finished goods. DNR is the custodian of the ATFS and FSC CoC registration numbers, which MFL Group members can use to initiate CoC for stumpage (standing timber) or timber cut for products listed in s. [NR 46.30](#), Wis. Adm. Code.

MFL Certified Group CoC applies *only* to stumpage and other s. [NR 46.30](#), Wis. Adm. Code, products, and the MFL chain ends either at the stump, log landing or roadside. MFL chain-of-custody certification does not apply to non-timber forest products (such as maple syrup, bark, herbs, etc.) or any value-added products that might be sold by individual group members⁶ unless they secure their own chain of custody certifications. Loggers, paper mills, sawmills and other businesses that intend to market MFL Certified Group wood as certified must obtain their own FSC, SFI or PEFC CoC certification or operate under an SFI approved procurement audit system.

⁶ Non-timber forest products and value-added products sold by group members are excluded from MFL CoC because DNR has no method to track sales or volumes of those commodities.

Chain of Custody Control System

1. Wisconsin DNR is the custodian of the following MFL Group certificate numbers:

ATFS Certificate Number **NSF-ISR 1Y544-T1** (Certifying Body: NSF-International Strategic Registrations)

FSC Certificate Number **SW-FM-COC**  (Certifying Body: SmartWood).

Wisconsin DNR does not provide group members with sub-certificate numbers other than their MFL Order Numbers.

2. MFL Group certificate numbers shall be included on all timber sale prospectuses, contracts, invoices, and haul tickets if the landowner or purchaser intends to market harvested products as certified.
3. Only MFL Certified Group members are eligible to use the ATFS and FSC certificate numbers for sales of stumpage or other s. [NR 46.30](#), Wis. Adm. Code, products. MFL participants who have submitted a Group Departure Form, MFL Orders without a parcel-specific MFL stewardship management plan, MFL Orders with less than ten acres or landowners with more than 2,470 acres of Managed Forest Law land may not use DNR's ATFS or FSC certificate numbers.
4. Only forest products that are reported on the MFL Cutting Notice (Form [2450-032](#)) can be marketed under the DNR certification numbers. MFL Certified Group members must clearly separate non-MFL stumpage or cut products from wood that is advertised or sold as MFL Group certified.
5. DNR shall verify on the Cutting Notice if the land is included in the MFL Certified Group. The landowner or the landowner's agent shall provide a copy of the DNR approved cutting notice to the purchaser of the stumpage or cut products (in the event the landowner sells cut products directly to primary or secondary producers). Timber producers buying stumpage shall be provided the entire cutting notice, including any harvest specifications and maps. Buyers of cut products may be given just the page of the cutting notice displaying the CoC certificate number if the buyer wishes to establish a documentation chain. The Cutting Notice shall specify that MFL Certified Group CoC ends at the stump, landing or roadside.
6. DNR will provide information about MFL Certified Group order numbers (plus the county, municipality, township, range, section, legal description and certification date for each order) on the DNR Internet site so that timber purchasers can verify harvests claiming use of the group certificate numbers. DNR can also provide MFL Certified Group member data in digital format for CoC companies to use in their internal CoC control systems.
7. Certified Group members shall mark timber sale prospectuses, contracts and invoices with the MFL ATFS and FSC certification numbers if the buyer intends to continue the CoC.
8. MFL Certified Group members may not use the FSC or ATFS logos on any non-timber forest products or value-added products unless they obtain separate, independent CoC certification for those ventures.
9. Promotional or educational information about Managed Forest Law land may use the ATFS and FSC logos or logos authorized by certifying bodies (such as SmartWood-Rainforest Alliance) only if such use is consistent with guidelines published by the owners of the logos. Any use of FSC or SmartWood certification trademarks and public information related to certification claims shall be submitted through the Forest Tax Law Group Manager to SmartWood for review and approval.
10. DNR shall provide ATFS or FSC certifying bodies with certified product sales summaries as needed. MFL certified harvest documentation files including Cutting Notices and Reports and other correspondence shall be maintained in local DNR forestry offices. Individual landowners shall maintain their own sales record and contract details sufficient to comply with State and Federal tax requirements.
11. MFL Group members shall make their land available to the Department for MFL performance and compliance inspections as required by law. Landowners are welcome and encouraged to speak to DNR staff and certification auditors if their parcels are chosen for site visits, but landowners are not required to share any personal or confidential information that is not required under MFL statutes or administrative rules.
12. DNR will provide reports of MFL Group harvest volumes as needed from the central office Cutting Report and severance tax collection system.

PROGRAM REVIEW

Annual Reporting

The American Tree Farm System and SmartWood-FSD requires group organizations to annually update certain information regarding the group organization including number of landowners and acreage in the program, new entries and departures from the membership, and other information. The annual reporting information is contained in ATFS Form GO-07 (Group Organization Annual Reporting) and SmartWood report forms.

The group manager will submit the annual reports to the American Tree Farm System and SmartWood by the designated date, and maintain copies of past annual reports on file.

DNR Annual Reports and Internal Reviews

In addition to annual reporting information required by ATFS and FSC, the group manager should prepare annual reports covering other aspects of the MFL program needed to evaluate overall program performance, consistency and management efficiency. Such reports could include, among other measures, total enrollment, petitions for entry, withdrawals, transfers, harvest numbers and volumes, yield tax receipts, scheduled mandatory practices, recon updates for completed practices, corrective action requests and a summary of enforcement cases.

On a rotating basis, the Forest Tax Section will conduct an annual field review among the DNR regions. Central office staff and a regional representative will visit a selection of field stations to discuss MFL and MFL Certified Group administration. Topics will include ATFS and FSC-specific requirements, administrative consistency, record keeping, stewardship planning, timber sale monitoring, working relationships with landowners and cooperating foresters, cooperation with other agencies, field visits and other activities. The group manager will summarize the findings, areas needing improvement and commendations in a report for the November Forestry Leadership Team.

Recurring Certification Audits

Both ATFS and FSC require full certification audits on a five-year cycle. FSC requires annual surveillance audits to maintain FSC certification. Although ATFS certification did not demand annual audits as part of the 2004-2008 AFF Standard, that may change when the standard is revised in 2009.

The ATFS registration was originated in 2005 and the FSC registration in 2008. For efficiency, the Department will explore opportunities to bring the two certifications into step, possibly as part of an expanded FSC annual review in 2010. The external audits of the MFL Certified Group may be one component of a broader periodic Private Forestry Assistance Program Review if authorized by the Forestry Leadership as part of the Department's Consistency Plan.

FSC and ATFS Standard Details

ATFS and FSC develop hierarchies of principles, criteria, performance measures and indicators that auditors reference in reviews. The FSC standard used for the 2008 MFL Group assessment was the Revised Final Lake States-Central Hardwoods (USA) Regional Forest Stewardship Standard, Version LS V3.0, as revised February 10, 2005. This Standard is available at: http://www.fscus.org/standards_criteria/regional_standards.php. The ATFS assessment in 2005 was based on the 2004-2008 AFF Standards of Sustainability, which follow. ATFS and SmartWood also have group certification and chain of custody program requirements, available on their Internet sites. Future FSC and ATFS reviews will apply the applicable standards that are in effect at the time of the audits.

2004 -2008 AFF STANDARDS OF SUSTAINABILITY FOR FOREST CERTIFICATION OF PRIVATE LANDS

The AFF Standards of Sustainability for Forest Certification of Private Lands are required of all group members that voluntarily choose to participate in the MFL Certified Group. Group members need to ensure that they are in conformance with the AFF standards, core performance measures and primary indicators. Group members will be periodically monitored and audited to evaluate whether they are implementing and achieving the AFF Standards.

Standard 1: Ensuring Sustainable Forests

The American Forest Foundation's (AFF) Standards of Sustainability promote the growing of renewable forest resources on private lands while protecting environmental benefits and increasing public understanding of all benefits of productive forestry.

Performance Measure 1.1

Qualified forest owners **must** comply with AFF's Standards of Sustainability. American Tree Farm System (ATFS)'s volunteer network of accredited, qualified natural resource managers will conduct field verification of landowner conformance.

Indicators 1.1.1

An accredited Tree Farm Inspector **must** inspect qualified properties to assure conformance with AFF's standards of sustainability.

Indicator 1.1.2

Tree Farm inspectors will audit certified properties every five years. Properties that fail to meet AFF's standards and guidelines will be decertified. [Landowners may seek review of de-certification decisions through ATFS's formal dispute resolution process. Also, the MFL Certified Group Organization audit qualifies as the five-year reinspection.]

Standard 2: Compliance with Laws

Forest management complies with all relevant federal, state and local regulations and ordinances.

Performance Measure 2.1

Forest owners **must** comply with all relevant federal, state, county, and municipal laws and regulations.

Indicator 2.1.1*

Landowner affirms that he/she complies with all relevant laws and regulations, and that he/she will correct conditions that led to adverse regulatory actions, if any.

Indicator 2.1.2

Landowner obtains advice from forestry consultants, public agency natural resource managers, or contractors who are trained in, and familiar with, applicable laws, regulations and published Best Management Practices for forestry.

Standard 3: Commitment to Practicing Sustainable Forestry

Forest owners demonstrate their commitment to sustainability by developing and implementing a long-term forest management plan.

Performance Measure 3.1

Forest owners **must** have a written forest management plan consistent with the scale of forestry operations of the property.

Indicator 3.1.1

Management plans include: title page; type of ownership (e.g., fee simple, limited partnership, etc.); owners goals appropriate to the management objectives; tract map noting stands and conditions, important features including special sites, and management recommendations that address wood and fiber production, wildlife habitat, owner-designated fish, wildlife and plant species if desired, environmental quality, and, if present and desired by the landowner, recreational opportunities.

Indicator 3.1.2*

Management plan is active, adaptive, and embodies the owners' current objectives, remains appropriate for the land certified, and reflects the current state of knowledge about forestry and natural resource management.

Performance Measure 3.2

Forest owners assure management activities are conducted in accordance with the management plan.

Indicator 3.2.1

On-site visit, interviews, and records confirm management activities are being conducted in accordance with the plan.

Standard 4: Reforestation

Forest owners provide timely restocking of desirable species of trees, compatible with regional ecosystems on harvested areas and idle areas where tree-growing is the land use objective.

Performance Measure 4.1

Land **must** be reforested with natural seeding, sprouting, direct seeding, or reforestation with tree seedlings.

Indicator 4.1.1

Harvested forest land **must** achieve satisfactory stocking levels reflecting the forest owner's management objectives, within five years after harvest, or within a time interval as specified by applicable regulation, whichever is shorter.

Standard 5: Air, Water and Soil Protection

Forestry practices maintain or enhance the environment, including air, water, soil, and site quality.

Performance Measure 5.1

Forest owners **must** adhere to State Forestry Best Management Practices (BMPs) and comply with all relevant forest practices act(s) and ordinances.

Indicator 5.1.1*

Landowner affirms that he/she complies with all relevant laws and regulations, and that he/she will remedy or has remedied any conditions that led to adverse regulatory actions, if any.

Indicator 5.1.2

Landowner **must** minimize disturbances within riparian zones.

Indicator 5.1.3

On-site visit confirms that landowner is conducting management activities in accordance with BMPs and all relevant forest practices act[s] and ordinances.

Performance Measure 5.2

Application of forest chemicals **must** not exceed the levels necessary to achieve specific management objectives.

Indicator 5.2.1

Chemicals are applied only when necessary to meet specific management objectives.

Indicator 5.2.2

Management plans consider integrated pest management as a preferred means of controlling insect pests, pathogens, and vegetative competition.

Indicator 5.2.3

Chemicals are applied in accordance with EPA-approved labels and meet or exceed all human health and environmental safety requirements on the label, and in local, state, and federal law.

Performance Measure 5.3

Where prescribed fire is used, the forest owner **must** plan appropriately for its application.

Indicator 5.3.1

Landowner affirms that if and when prescribed fire is used, it is conducted in accordance with the owner's management plan and with state and local laws and regulations.

Indicator 5.3.2

On-site visit confirms prescribed fires, if used, were conducted in accordance with the management plan and applicable laws and regulations.

Standard 6: Fish, Wildlife and Biodiversity

Forest management activities contribute to the conservation of biodiversity and maintain or enhance habitat for native fish, wildlife, and plant species, with emphasis on natural plant and animal communities and rare plants and animals.

Performance Measure 6.1

Landowners are encouraged to confer with their local natural resource agencies, state natural resource heritage programs, or other knowledgeable sources about rare species or species of concern that occur on their property.

Indicator 6.1.1

Where practical, management plans consider and address opportunities to protect rare species and special habitat features.

Performance Measure 6.2

Forest management activities **must** maintain or enhance habitat for owner's designated fish, wildlife, and plant species as identified in the management plan

Indicator 6.2.1

Forest management activities **must** maintain or improve habitat for owner's target game and non-game fish and wildlife species.

Standard 7: Forest Aesthetics

Forest management practices minimize negative visual impacts of forest activities.

Performance Measure 7.1

Landowners **must** manage their forest with concern for visual impacts, in a manner consistent with size and scale of their forestry operations.

Indicator 7.1.1

On tracts of significant visual exposure, management plans and forest operations may include: roadside buffers, access entry "dog-legs," limited harvests in certain areas, and adaptation of other visual management techniques.

Standard 8: Protect Special Sites

Special sites are managed in a way that recognizes their unique characteristics.

Performance Measure 8.1

Forest management practices **must** recognize historical, biological, archaeological, cultural, and geological sites of special interest.

Indicator 8.1.1

Management plan and forest operations identify and manage for special sites in a manner consistent with forest owner's objectives, the unique features of the site, and the size and scale of the property.

Standard 9: Wood Fiber Harvest and Other Operations

Wood fiber harvests and other forest operations are conducted in accordance with the management plan and with sensitivity to other forest values (e.g., water quality, regeneration, wildlife habitat, biodiversity, special sites, etc.).

Performance Measure 9.1

Landowners **must** comply with the management plan described in Standard Three (3).

Performance Measure 9.2

Landowners **must** adhere to all national, state, and local laws and regulations applicable to forest management when conducting forest operations.

Indicator 9.2.1*

In selecting contractors, landowners seek loggers, foresters, and other forest management contractors who have completed recommended training and education programs offered in their respective states.

Indicator 9.2.2*

Loggers and contractors conducting wood fiber harvests and other forest management operations carry required Workers Compensation and general liability insurance.

Note: AFF indicators designated with "**must**" are considered primary indicators and are included as MFL Certified Group audit factors. Additional AFF interpretations and definitions available in the ATFS Group Certification Handbook may also apply.

*Optional indicator not included in the MFL Certified Group Audit Plan.